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IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1971

NO. 71-1082

Supreme Court, U. S.
FILED

APR 6 1972

MICHAEL RUDAK, JR., CLERK

REUBIN O'D. ASKEW, et al.,
Appellants,

-VS-

THE AMERICAN WATERWAYS
OPERATORS, INC., et al.,
Appellees.

On Appeal from the United States District Court
for the Middle District of Florida

~~MOTION FOR LEAVE TO FILE~~ AMICUS CURIAE and
BRIEF OF THE STATE OF NORTH CAROLINA
AMICUS CURIAE, IN SUPPORT OF THE
JURISDICTIONAL STATEMENT OF APPELLANTS

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MOTION FOR LEAVE TO FILE AMICUS CURIAE

The State of North Carolina respectfully asks leave of the Court to file Amicus Curiae in this cause and to adopt the Jurisdictional Statement of the State of Florida and the Amicus Curiae Brief of the State of Georgia.

Respectfully submitted,

ROBERT MORGAN
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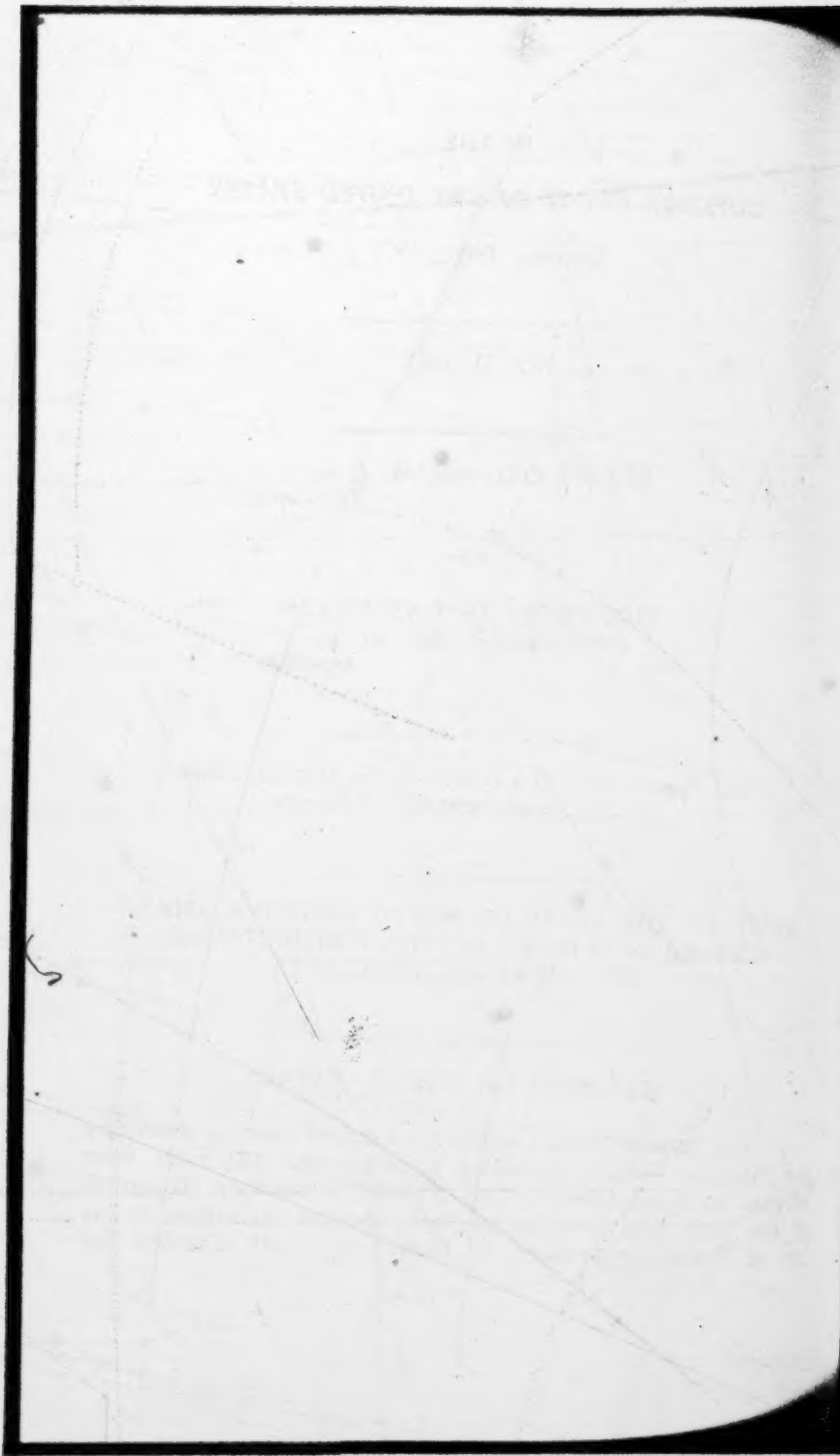
THE AMERICAN WATERWAYS
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On Appeal from the United States District Court
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BRIEF OF THE STATE OF NORTH CAROLINA AMICUS
CURIAE IN SUPPORT OF THE JURISDICTIONAL
STATEMENT OF APPELLANTS

INTEREST OF AMICUS CURIAE

The State of North Carolina has a general coastline (bordering the Atlantic Ocean) extending approximately 301 miles from Virginia to South Carolina. This, however, is less than 10 percent of the total tidal coastline in North Carolina. According to the United States Department of Commerce, North Carolina has



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3,375 miles of tidal shoreline. This shoreline surrounds the many bays, sounds, and rivers of North Carolina and encompasses 2,200,000 acres of estuaries that are vital to marine organisms.

The United States Department of the Interior was directed by the Estuarine Areas Act of 1968 (16 U. S. C. §1221 *et seq.*) to study the nation's estuaries to evaluate, among other things, their value as ecosystems. One area studied was the Pamlico-Albemarle-Currituck Sound complex of North Carolina which takes in over 2,000,000 acres, or 90 percent, of North Carolina's estuaries. The report which resulted from that study estimated that:

"(A)bout 60 percent of all the United States' commercial finfish and shellfish and most marine sport fish inhabit estuaries during all or part of their life cycles. *This estuary is even more important to the North Carolina commercial fishery.* Estimates indicate that about 90 percent of the State's commercial finfish and shellfish harvest is dependent upon estuarine environments." *National Estuary Study*, U. S. Dept. of Interior, Vol. 3, App. B, pp. 112-144. (*Emphasis supplied.*)

The report further stated that this area (both land and water) studied was one of the largest relatively unspoiled natural areas on the eastern coast of the United States.

The two principal industries of eastern North Carolina are commercial fishing and recreation, which includes sport fishing, hunting, bathing, boating, and related activities. These activities all depend upon the favorable conditons of the North Carolina estuaries and the adjacent private and public lands, which in turn directly affects the economy of the State.

Thus North Carolina's interest in protecting its estuaries from deleterious substances is by no means slight. It is basic to the interests of the people it is charged to represent. The damage which can result from oil pollution could be disastrous to the commercial and sport fishing industries (not only because of its effects on the estuarine water itself, but also its effects on the marshlands, oyster

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beds and mud flats on which these fisheries so vitally depend) and to the recreational beaches of the State.

North Carolina, therefore, has considerable concern over the issues involved in this cause and believes that it has a legitimate interest in the substantial questions raised by the ruling of the three-judge panel of the United States District Court for the Middle District of Florida.

QUESTIONS PRESENTED ARE SUBSTANTIAL

The State of North Carolina adopts the questions presented, the facts material to their consideration and the grounds sustaining substantiality of the questions which are presented to the Court by the Jurisdictional Statement of the State of Florida and the supporting Amicus Curiae Brief of the State of Georgia.

CONCLUSION

The State of North Carolina prays the Court to take jurisdiction in this cause and give plenary consideration with briefs on the merits and oral arguments.

Respectfully submitted,

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PROOF OF SERVICE

I, Christine Y. Denson, hereby certify that on the _____ day of April, 1972, I served three copies of the above Motion for Leave to File Amicus Curiae and Amicus Curiae Brief in support of jurisdictional statement of appellants on the several parties hereto as follows:

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I, Christine Y. Brown, hereby certify that on the
date of April 1971 I served this report of the above Motion for
the Attorney General and Attorney General that in support
of the Attorney General of expenses on the several parties hereto

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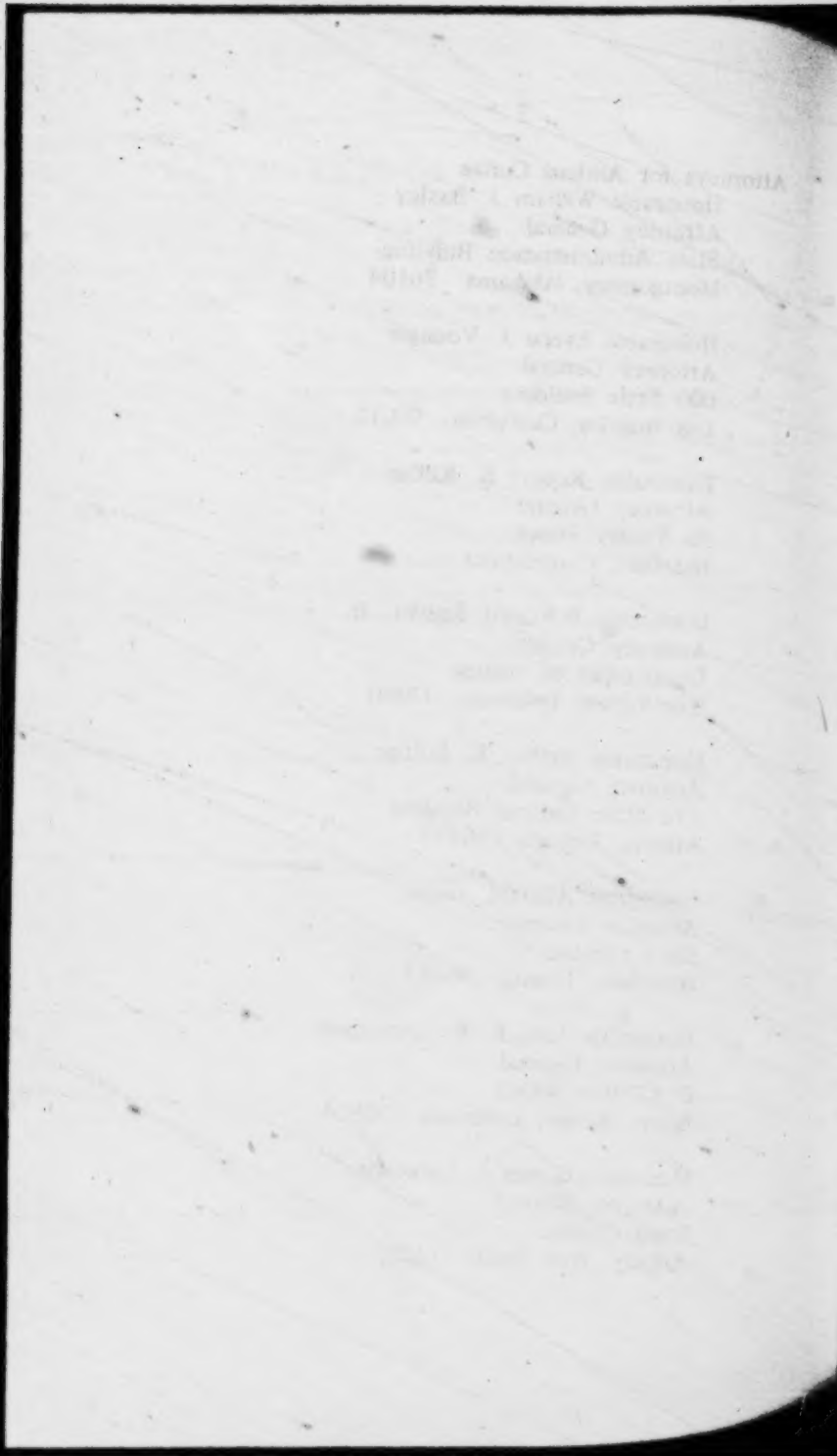
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